

>

>

> P-----Original Message-----

> From: (b)(6)

> Sent: Thursday, February 26, 2015 10:52 AM

> To: OSIIS

> Subject: Re: Real ID

>

> Thank you for your response. I am aware of all those things. I am concerned with privacy rights. What access will the Feds have to my sensitive information? What are the circumstances in which the Feds can access my information? Why is this any safer than state issued ID cards? If I do not participate am I unable to fly domestically and if so isn't that a violation of my right to travel? Please give me direct responses please. Thank you for your time.

> (b)(6)

>

> Sent from my iPhone

>

>> On Feb 24, 2015, at 12:56 PM, OSIIS <osiis@hq.dhs.gov> wrote:

>>

>> The REAL ID is the result of the REAL ID Act of 2005. The Act sets limits on the circumstances under which a Federal agency may accept a driver's license or state-issued identification for purposes of entering a nuclear power plant, accessing a Federal facility, or boarding a federally-regulated commercial aircraft. State participation is voluntary, with the effect of nonparticipation being that Federal agencies are prohibited from accepting for these three purposes a driver's licenses or identification card issued by that state.

>>

>> Best Wishes,

>>

>> Ted Sobel

>> Director, Office of State-Issue Identification Support Screening

>> Coordination Office Office of Policy U.S. Department of Homeland

>> Security

>>

>> DHS requires visitors to present government-issued identification for access to its facilities. For visitors presenting a state-issued driver's license or identification card, DHS may only accept such documents if they are issued by states that are REAL ID compliant. If the state that issued your license is listed as noncompliant, please bring an alternate form of government-issued photo ID - such as a passport or Federal employee, military, or veteran identification card to facilitate access.

>>

>> -----Original Message-----

>> From: (b)(6)

>> Sent: Saturday, February 21, 2015 11:41 PM

>> To: OSIIS

>> Subject: Real ID

>>

>> How in the world will this prevent terrorism when our borders are wide open? Will the federal government need a warrant to access sensitive information? How is this not a violation of my fourth amendment rights? How is it that 23 states have signed legislation to prevent it yet it's



coming anyway? I don't want to hear about protection from terrorism. I want answers as to the legality and constitutionality of the act. I do not consent to this.

>> (b)(6)

>>

>> Sent from my iPad

<b>Sender:</b>	(b)(6)	
<b>Recipient:</b>		
<b>Sent Date:</b>	2015/03/02 12:26:49	
<b>Delivered Date:</b>	2015/03/02 12:26:00	



## **REAL ID Implementation Best Practices**

The REAL ID Act of 2005 (“the Act”) prohibits Federal agencies from accepting for official purposes – including accessing Federal facilities -- driver’s licenses and identification cards from states and territories not meeting the Act’s minimum standards. This prohibition is being implemented incrementally throughout 2014 and 2015.<sup>1</sup>

However, the Act does not prescribe how Federal agencies should implement the statutory prohibition. Federal agencies have requested the Department of Homeland Security (DHS) for guidance in order to promote consistent practices across agencies. In response, DHS is providing a list of alternative access control policies and forms of identification consistent with the intent of the Act. The list is neither mandatory nor exclusive but is intended to assist agencies until such time as the Interagency Security Committee issues its guidance on implementing REAL ID. This document does not supersede or modify the authority of a Federal agency or a Facility Security Committee to set or implement the access control policy or procedures of a facility under its jurisdiction.

### **A. List of Alternate Access Control Options**

The following alternate access control procedures are available but must be approved by the implementing Federal agency or the Facility Security Committee.

- 1) An agency may choose to establish a list of identification documents that it will accept for access control purposes in lieu of driver’s licenses or state-issued card from a noncompliant state.
- 2) A visitor may be listed in an appointment book and the guard can call the agency POC for access and escort without having to present identification.
- 3) An agency may escort a visitor presenting a driver’s license or state-issued card from a noncompliant state or otherwise unable to present an acceptable form of identification document.
- 4) An agency may use a form of knowledge based authentication, where available, to establish identity.

### **B. List of Acceptable Forms of Identification**

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<sup>1</sup> For more information on the REAL ID phased enforcement plan, see <http://www.dhs.gov/real-id-enforcement-brief>.



A common practice in access control is for an agency to accept a Federal, state, or foreign government issued identification card containing a photograph, first and last name, expiration date, and any additional elements that the agency may need for identity assurance. Agencies generally refuse to accept identification cards with obvious signs of tampering. Finally, most agencies give preference to documents that have not expired.<sup>2</sup>

Examples of identification documents an agency may choose to accept are:

- 1) Federally Issued Identification
  - a. U.S. passport
  - b. U.S. passport card
  - c. Personal Identification Verification (PIV) cards
  - d. Driver's license issued by the U.S. Department of State
  - e. Border Crossing Card
  - f. DHS "Trusted Traveler" cards (Global Entry, NEXUS, Secure Electronic Network for Travelers Rapid Inspection (SENTRI), Free and Secure Trade Program (FAST))
  - g. U.S. Military Identification Cards (active duty or retired military/veterans identification card and their dependents, and DOD civilians)
  - h. U.S. Permanent Resident Card
  - i. U.S. certificate of naturalization or certificate of citizenship
  - j. Employment Authorization Document issued by DHS
  - k. U.S. Refugee Travel Document or other travel document or evidence of immigration status issued by DHS containing a photograph
  - l. Transportation Worker Identification Credential (TWIC)
  - m. Merchant Mariner Credential issued by DHS
- 2) State Issued Identification
  - n. Driver's license or identification card issued by a state that meets the REAL ID standards or has an extension
  - o. State-issued Enhanced Driver's Licenses (EDL)<sup>3</sup>
  - p. State prisoner identification cards
- 3) Other

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<sup>2</sup> Some agencies, for facilities operating under a lower risk profile, may choose to accept an identity document that has been expired since the expiration date may not be relevant to establishing the holder's identity.

<sup>3</sup> The Enhanced Driver's License is a Western Hemisphere Travel Initiative (WHTI)-compliant document that denotes both identity and citizenship and can be used to enter the United States at land and sea ports of entry.



- q. Native American Tribal Photo Identification Card
- r. Foreign government-issued passport
- s. A Canadian provincial driver's license or Indian and Northern Affairs Canada card
- t. Personal Identification Verification – Interoperable (PIV-I) cards

Facilities may also consider the following higher risk identity documents, which may be appropriate for facilities with a low risk profile or that have relationship with the issuing body that mitigate the risk of fraud.

- u. Identification card issued by local government (including county or city) and containing a photograph, name, and expiration date
- v. University, library or school card containing a photograph, name, and expiration date
- w. Any identification that is not state-issued, but deemed acceptable by the Facility Security Committee



<b>From:</b>	(b)(6)
<b>To:</b>	"OSIIS (b)(6) (b)(6)
<b>Subject:</b>	Real ID Deadline Question
<b>Date:</b>	2015/02/23 12:51:33
<b>Type:</b>	Note

Hi,

I had a question about my drivers licenses card and boarding an airplane. I recently turned 21 and I had to trade in my old license to receive the correct one. The day I receive my new license, I did not know I needed my actual birth certificate. I had my W-2 form, my school ID, my old ID, and my certificate of birth registration. Since I did not have my actual birth certificate, I was unable to receive my real ID with the star on it. My question is, can I still board the airplane with the license I have and the information I have listed above? I will be flying within the US on 02/28/2015. Thank you for your time. I can be reached via email at (b)(6)

Sincerely,

(b)(6)

<b>Sender:</b>	(b)(6)
<b>Recipient:</b>	"OSIIS (b)(6) (b)(6)
<b>Sent Date:</b>	2015/02/23 12:51:19
<b>Delivered Date:</b>	2015/02/23 12:51:33



# REAL ID Does it affect me?



If the state of residence is marked in blue, you will need to present a form of acceptable ID other than a driver's license or state-issued identification card to access this facility. The list of jurisdictions subject to enforcement changes over time. For the most recent list, please visit <http://www.dhs.gov/secure-drivers-licenses#1>.



Homeland  
Security

Department of Homeland Security Office of  
Policy [www.dhs.gov/secure-drivers-licenses](http://www.dhs.gov/secure-drivers-licenses)



<b>From:</b>	(b)(6)	
<b>To:</b>		
<b>Subject:</b>	RE: Real Id	
<b>Date:</b>	2015/01/22 16:59:00	
<b>Priority:</b>	Normal	
<b>Type:</b>	Note	

No. REAL IDs are not border crossing documents, and Nevada does not offer Enhanced Driver's Licenses (which could be used as a border crossing document).

Best Wishes,

Ted Sobel  
 Director, Office of State-Issue Identification Support  
 Screening Coordination Office  
 Office of Policy  
 U.S. Department of Homeland Security

*DHS requires visitors to present government-issued identification for access to its facilities. For visitors presenting a state-issued driver's license or identification card, DHS may only accept such documents if they are issued by states that are REAL ID compliant. If the state that issued your license is listed as noncompliant, please bring an alternate form of government-issued photo ID – such as a passport or Federal employee, military, or veteran identification card to facilitate access.*

**From:** (b)(6)  
**Sent:** Thursday, January 22, 2015 4:30 PM  
**To:** OSIIS  
**Subject:** Real Id

Can we use the Real Id to cross over (driving/walking) border from Mexico back to USA? in lieu of passport card?

--

(b)(6)  
 Children's Ministry Director  
 Calvary Chapel Lone Mountain  
 4295 N. Rancho Drive  
 Las Vegas, NV 89130  
 Phone: (b)(6)

"A candle doesn't lose anything by lighting another candle"  
 Disciple someone today!

<b>Sender:</b> (b)(6)	
-----------------------	--



	(b)(6)	
<b>Recipient:</b>		
<b>Sent Date:</b>	2015/01/22 16:59:05	
<b>Delivered Date:</b>	2015/01/22 16:59:00	



2015 JAN -2 AM 10: 22



**Homeland  
Security**

December 19, 2014

Carolyn W. Colvin  
Acting Commissioner  
Social Security Administration  
1100 West High Rise  
Baltimore, Maryland 21235

Dear Acting Commissioner Colvin:

I am writing to inform you of a modification in the implementation of the *REAL ID Act of 2005*, Pub. L. 109-13 that will affect your operations.

The REAL ID law prohibits federal agencies from accepting for official purposes<sup>1</sup> state-issued driver's licenses and identification cards unless the issuing state meets certain security standards for the issuance and production of those documents. This law reflects one of the recommendations of the 9/11 Commission. The Department of Homeland Security (DHS) has been assigned to provide guidance and leadership for federal agencies' implementation of this law.

As of December 1, 2014, nine states and territories are noncompliant and currently subject to the Act's prohibition.<sup>2</sup> Of the remaining jurisdictions, 23 are compliant and 24 have demonstrated sufficient progress to receive an extension that allows federal agencies to continue to accept their documents for official purposes through October 10, 2015, subject to renewal. Enforcement has begun incrementally through an interagency plan developed under the auspices of the National Security Council. The first two phases of enforcement at federal facilities have already begun, applying the Act's prohibition to nuclear power plants and to restricted areas of federal facilities accessible to federal employees, contractors, and their guests.

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<sup>1</sup> Official purposes are defined in statute and regulation as accessing federal facilities, entering nuclear power plants, and boarding federally-regulated commercial aircraft.

<sup>2</sup> Arizona, Louisiana, Maine, Minnesota, New Hampshire, New York, Oklahoma, Washington, and American Samoa are not compliant with the REAL ID regulations and do not have extensions. As the list is subject to periodic revisions, the most recent version can be found at <http://www.dhs.gov/real-id-enforcement-brief>.



Carolyn W. Colvin  
Page 2

On January 19, 2015, the agencies will begin Phase 3, expanding enforcement to federal facilities accessible by the general public that are subject to identification-based access controls, including the White House Complex.<sup>3</sup> (*See Enclosure A.*)

Federal agencies will implement Phase 3 on a modified basis, as proposed by the General Services Administration and requested by the Executive Office of the President. Enforcement at smaller and less complex federal facilities will begin on January 19, 2015, and enforcement at the largest and most complex federal facilities will begin on October 10, 2015. The start date for each facility is based on its Facility Security Level classification,<sup>4</sup> with facilities having a Facility Security Level of 1 or 2 beginning on January 19, 2015 (Phase 3A), and facilities having a Facility Security Level of 3, 4, or 5 (including the White House Complex and the Pentagon), as well as military facilities, beginning on October 10, 2015 (Phase 3B).

Federal agencies may mitigate the impact of REAL ID enforcement on their visitors by using alternate access control measures, such as authorizing a list of other acceptable identity documents or setting procedures to facilitate access when a visitor has no acceptable form of identification. To promote consistency among agencies, DHS has compiled a list of best practices used in Phases 1 and 2. (*See Enclosure B.*)

In order to facilitate the gathering and analysis of metrics, DHS requests that each agency provide:

1. The name, title, email, and phone number of an individual to serve as your agency's primary point of contact;
2. A list of your agency's facilities, including location (location code, city, state) and Facility Security Level; and
3. Monthly reports on encounters with visitors presenting driver's licenses or identification cards from states subject to enforcement.<sup>5</sup> Reports should be sent no later than the 10<sup>th</sup> day of each month. (*See Enclosure C for the reporting template.*)

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<sup>3</sup> The first two phases were implemented on schedule in April and July 2014, respectively. The phasing applied to restricted areas of federal facilities, primarily to an agency's headquarters.

<sup>4</sup> The Facility Security Level is a broadly-used risk management standard and involves a calculated measure of tenant population, square footage of the facility, mission criticality, threats to tenant agencies, and symbolism of the facility. Facility Security Level determinations range from 1 (lowest) to 5 (highest).

<sup>5</sup> As of November 26, 2014, Arizona, Louisiana, Maine, Minnesota, New York, Oklahoma, Washington, and American Samoa are not compliant with the REAL ID regulations and do not have extensions. New Hampshire's extension expired on October 10, 2014, meaning that federal agencies will be prohibited from accepting for official purposes driver's licenses and identification cards issued by that state beginning January 19, 2015. As the list is subject to periodic revisions, the most recent version can always be found at <http://www.dhs.gov/real-id-enforcement-brief>.



Carolyn W. Colvin  
Page 3

The DHS Office of Policy will serve as the aggregator of this data. Please send your agency information to [OSIIS@hq.DHS.gov](mailto:OSIIS@hq.DHS.gov).

I appreciate your cooperation in executing the interagency plan for REAL ID enforcement. The General Services Administration will be providing supplemental guidance to Facility Security Committees at facilities which it owns or operates. Otherwise, please direct any questions to the DHS Office of Policy at (202) 447-3871 or [OSIIS@hq.DHS.gov](mailto:OSIIS@hq.DHS.gov).

Sincerely,

A handwritten signature in black ink, appearing to be "Jeh Charles Johnson", with a stylized, scribbled initial and a long, wavy horizontal line extending to the right.

Jeh Charles Johnson

Enclosures





## REAL ID ENFORCEMENT IN BRIEF

The Department of Homeland Security (DHS) announced on December 20, 2013 a phased enforcement plan for the REAL ID Act (the Act), as passed by Congress, that will implement the Act in a measured, fair, and responsible way.

Secure driver's licenses and identification documents are a vital component of our national security framework. The REAL ID Act, passed by Congress in 2005, enacted the 9/11 Commission's recommendation that the Federal Government "set standards for the issuance of sources of identification, such as driver's licenses." The Act established minimum security standards for license issuance and production and prohibits federal agencies from accepting for certain purposes driver's licenses and identification cards from states not meeting the Act's minimum standards. The purposes covered by the Act are: accessing federal facilities, entering nuclear power plants, and, no sooner than 2016, boarding federally regulated commercial aircraft.

States and other jurisdictions have made significant progress in enhancing the security of their licenses over the last number of years. As a result, **approximately 70-80%** of all U.S. drivers hold licenses from jurisdictions: (1) determined to meet the Act's standards; or (2) that have received extensions. Individuals holding driver's licenses or identification cards from these jurisdiction **may continue to use them as before.** (See Section B of the sidebar).

Individuals holding licenses from noncompliant jurisdictions will need to follow alternative access control procedures for purposes covered by the Act. (See Section A of the sidebar). As described below, enforcement for boarding aircraft will occur no sooner than 2016.

### DESCRIPTION AND SCHEDULE OF ENFORCEMENT PHASES

The following enforcement measures are cumulative, with measures in each phase remaining in effect through successive phases. Each phase will begin with a 3-month period where agencies will provide notice to individuals attempting to use driver's licenses or identification cards from noncompliant states but still allow access. After this period is over, agencies will no longer accept such identification for entry to federal facilities, and individuals will need to follow the agency's alternate procedures (to be made available by the agency).

#### A) Noncompliant States/Territories

Am. Samoa	Minnesota*
Arizona	New York*
Louisiana	Oklahoma
Maine	Washington*

\* Federal officials may continue to accept Enhanced Driver's Licenses from these states.

#### B) Compliant/Extension States/Territories

Alabama	Nebraska
Alaska*	Nevada*
Arkansas*	New Hampshire*
California*	New Jersey*
Colorado	New Mexico*
Connecticut	N. Carolina*
Delaware	N. Dakota*
DC*	N. Mariana*
Florida	Ohio
Georgia	Oregon*
Guam*	Pennsylvania*
Hawaii	Puerto Rico*
Idaho*	Rhode Island*
Illinois*	S. Carolina*
Indiana	S. Dakota
Iowa	Tennessee
Kansas	Texas*
Kentucky*	Utah
Maryland	Vermont
Mass. *	Virginia*
Michigan*	Virgin Islands*
Mississippi	West Virginia
Missouri*	Wisconsin
Montana	Wyoming

\* Has an extension, allowing federal agencies to accept driver's licenses from these states.

\*\* Has an expired extension and will be subject to enforcement beginning January 19, 2015.



- **Phase 1: Restricted areas** (i.e., areas accessible by agency personnel, contractors, and their guests) for DHS's Nebraska Avenue Complex (NAC) headquarters.
- **Phase 2: Restricted areas** for all federal facilities and nuclear power plants.
- **Phase 3: Semi-restricted areas** (i.e., areas available to the general public but subject to ID-based access control) for most federal facilities (subject to limitations described in the next section). Access to federal facilities will continue to be allowed for purposes of applying for or receiving federal benefits.
- **Phase 4: Boarding federally regulated commercial aircraft.** A driver's license or identification card from a noncompliant state may only be used in conjunction with an acceptable second form of ID for boarding federally regulated commercial aircraft.

DHS will conduct an evaluation following the implementation of the first three phases to assess the effects of enforcement and the progress of states in meeting the standards of the act. Before a date for Phase 4 is set, DHS will conduct an evaluation to inform a fair and achievable timeline. The date for implementing Phase 4 will be set after the evaluation has been complete; this phase will occur no sooner than 2016. The evaluation will also be used to inform the nature and timing of subsequent phases and to inform the pathway to full enforcement. DHS will ensure the public has ample advanced notice before identification requirements for boarding aircraft or entering additional types of federal facilities change.

Phase	Implementation	Start/End Dates	End/Implementation
1	Restricted areas for DHS/NAC	1/20/14	04/21/14
2	Restricted areas for all federal facilities & for nuclear power plants	04/21/14	07/21/14
3	Semi-restricted for all federal facilities		
3a	Federal Security Levels 1 and 2	10/20/14	01/19/15
3b	Federal Security Levels 3, 4, and 5, and military facilities	07/13/15	10/10/15
<b>2015 Review and Evaluation</b>			
4	Aircraft (Acceptable with 2nd form of ID)	No sooner than 2016	

### **LIMITATIONS**

Access for activities directly relating to safety and health or life preserving services, to law enforcement, and to constitutionally protected activities, including legal and investigative proceedings will not be affected. Existing agency policies will still apply.

The Act does not require individuals to present identification where it is not currently required to access a federal facility (such as to enter the public areas of the Smithsonian) nor does it prohibit an agency from accepting other forms of identity documents other than documents from non-compliant states (such as a U.S. passport or passport card).

The Act's prohibitions do not affect other uses of driver's licenses or identification cards – including licenses and cards from noncompliant states – unrelated to official purposes as defined in the Act. For example, the Act does not apply to voting, registering to vote, or for applying for or receiving federal benefits.

For more information, please contact the DHS Office of State-Issued Identification Support at [osiis@hq.dhs.gov](mailto:osiis@hq.dhs.gov).



## **REAL ID Implementation Best Practices**

*The REAL ID Act of 2005* ("the Act") prohibits federal agencies from accepting for official purposes—including accessing federal facilities—driver's licenses and identification cards from states and territories not meeting the Act's minimum standards.

This prohibition is being implemented incrementally throughout 2014 and 2015.<sup>1</sup>

However, the Act does not prescribe how federal agencies should implement the statutory prohibition. Federal agencies have requested guidance from the Department of Homeland Security (DHS) in order to promote consistent practices across agencies. In response, DHS is providing a list of alternative access control policies and forms of identification consistent with the intent of the Act. The list is neither mandatory nor exclusive but is intended to assist agencies until such time as the Interagency Security Committee issues its guidance on implementing REAL ID. This document does not supersede or modify the authority of a federal agency or a Facility Security Committee to set or implement the access control policy or procedures of a facility under its jurisdiction.

### **A. List of Alternate Access Control Options**

The following alternate access control procedures are available but must be approved by the implementing Federal agency or the Facility Security Committee.

- 1) An agency may choose to establish a list of identification documents that it will accept for access control purposes in lieu of driver's licenses or state-issued card from a noncompliant state.
- 2) A visitor may be listed in an appointment book and the guard can call the agency point of contact for access and escort without having to present identification.
- 3) An agency may escort a visitor presenting a driver's license or state-issued card from a noncompliant state or otherwise unable to present an acceptable form of identification document.
- 4) An agency may use a form of knowledge based authentication, where available, to establish identity.

### **B. List of Acceptable Forms of Identification**

A common practice in access control is for an agency to accept a Federal, state, or foreign government issued identification card containing a photograph, first and last name, expiration date, and any additional elements that the agency may need for identity

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<sup>1</sup> For more information on the REAL ID phased enforcement plan, see <http://www.dhs.gov/real-id-enforcement-brief>.



assurance. Agencies generally refuse to accept identification cards with obvious signs of tampering. Finally, most agencies give preference to documents that have not expired.<sup>2</sup>

Examples of identification documents an agency may choose to accept are:

- 1) Federally Issued Identification
  - a. U.S. passport
  - b. U.S. passport card
  - c. Personal Identification Verification (PIV) cards
  - d. Driver's license issued by the U.S. Department of State
  - e. Border Crossing Card
  - f. DHS "Trusted Traveler" cards (Global Entry, NEXUS, Secure Electronic Network for Travelers Rapid Inspection (SENTRI), Free and Secure Trade Program (FAST))
  - g. U.S. Military Identification Cards (active duty or retired military/veterans identification card and their dependents, and DOD civilians)
  - h. U.S. Permanent Resident Card
  - i. U.S. certificate of naturalization or certificate of citizenship
  - j. Employment Authorization Document issued by DHS
  - k. U.S. Refugee Travel Document or other travel document or evidence of immigration status issued by DHS containing a photograph
  - l. Transportation Worker Identification Credential (TWIC)
  - m. Merchant Mariner Credential issued by DHS
- 2) State Issued Identification
  - n. Driver's license or identification card issued by a state that meets the REAL ID standards or has an extension
  - o. State-issued Enhanced Driver's Licenses (EDL)<sup>3</sup>
  - p. State prisoner identification cards
- 3) Other
  - q. Native American Tribal Photo Identification Card
  - r. Foreign government-issued passport
  - s. A Canadian provincial driver's license or Indian and Northern Affairs Canada card
  - t. Personal Identification Verification – Interoperable (PIV-I) cards

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<sup>2</sup> Some agencies, for facilities operating under a lower risk profile, may choose to accept an identity document that has been expired since the expiration date may not be relevant to establishing the holder's identity.

<sup>3</sup> The Enhanced Driver's License is a Western Hemisphere Travel Initiative (WHTI)-compliant document that denotes both identity and citizenship and can be used to enter the United States at land and sea ports of entry.



Facilities may also consider the following higher risk identity documents, which may be appropriate for facilities with a low risk profile or that have relationship with the issuing body that mitigate the risk of fraud.

- u. Identification card issued by local government (including county or city) and containing a photograph, name, and expiration date
- v. University, library or school card containing a photograph, name, and expiration date
- w. Any identification that is not state-issued, but deemed acceptable by the Facility Security Committee



[illegible]



<b>From:</b>	(b)(6)
<b>To:</b>	"OSIIS" (b)(6)
<b>CC:</b>	(b)(6)
<b>Subject:</b>	FW: Form submission from: Comment on DHS.gov website
<b>Date:</b>	2015/01/09 06:43:17
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Greetings OSIIS,

We received the inquiry below yesterday.

Please contact (b)(6) with your reply.

Thank you in advance for your support.

Best

(b)(6)

(b)(6)

Writer Editor

DHS HQ Web Team

Phone: (b)(6)

Mobile:

Email:

-----Original Message-----

From: webpublishing@hq.dhs.gov [mailto:webpublishing@hq.dhs.gov]

Sent: Thursday, January 08, 2015 2:09 PM

To: Web Publishing

Subject: Form submission from: Comment on DHS.gov website

Submitted on Thursday, January 8, 2015 - 14:08 Submitted by user: Anonymous Submitted values are:

First Name: (b)(6)

Last Name:

E-Mail: (b)(6)

Can you verify that the time table for REAL ID completion in a Federal Security Level 1 and 2 as January 19, 2014. It seem like it would be January 19, 2015.

3a Federal Security Levels 1 and 2

January 19, 2014



Thank you for clarification

<b>Sender:</b>	(b)(6)	
<b>Recipient:</b>	"OSIIS" (b)(6)	
<b>Sent Date:</b>	2015/01/09 06:43:17	



<b>From:</b>	(b)(6)
<b>To:</b>	"OSIIS" (b)(6) (b)(6)
<b>Subject:</b>	Real ID Act
<b>Date:</b>	2015/01/08 14:40:03
<b>Type:</b>	Note

To Whom It May Concern,

While perusing the GSA Auction site looking at inventory which was to be auctioned off publicly, I ran across site access prerequisites and mention of the Real ID Act.

I live in the State of Oregon. I contacted the Oregon Department of Transportation's Motor Vehicles Division, and they have no clue what I'm talking about.

I looked on your site showing non-compliant and Compliant/Extension States/Territories.

My State has an "extension". I want to know WHY and how I can assist in accelerating my States readiness for the Compliance of The REAL ID Act of 2005 BEFORE we are found "behind the 8 ball".

Yes, I have my reasons as well, as I do not wish to run into restricted access to sites which are engaged in commerce with the public.

Respectfully,

(b)(6)

1990 Right Fork Foots Creek Rd  
Gold Hill, OR 97525-9711

(b)(6)

<b>Sender:</b>	(b)(6)
<b>Recipient:</b>	"OSIIS" (b)(6) (b)(6)
<b>Sent Date:</b>	2015/01/08 14:39:51
<b>Delivered Date:</b>	2015/01/08 14:40:03



<b>From:</b>	(b)(6)	
<b>To:</b>		
<b>Subject:</b>	RE: new REAL ID-Driver License compliance deadline for states	
<b>Date:</b>	2015/01/06 17:09:00	
<b>Priority:</b>	Normal	
<b>Type:</b>	Note	

It does not.

Instead it fulfills our commitment to the governors to align the regulation with the enforcement plan. This commitment was made in the December 2013 letter to each Governor providing the details of phased enforcement.

Best Wishes,

Ted Sobel  
 Director, Office of State-Issue Identification Support  
 Screening Coordination Office  
 Office of Policy  
 U.S. Department of Homeland Security

*DHS requires visitors to present government-issued identification for access to its facilities. For visitors presenting a state-issued driver's license or identification card, DHS may only accept such documents if they are issued by states that are REAL ID compliant. If the state that issued your license is listed as noncompliant, please bring an alternate form of government-issued photo ID – such as a passport or Federal employee, military, or veteran identification card to facilitate access.*

---

**From:** (b)(6)  
**Sent:** Tuesday, January 06, 2015 4:36 PM  
**To:** OSIIS  
**Subject:** new REAL ID-Driver License compliance deadline for states

Good afternoon,  
 On December 29, 2014 DHS published a new REAL ID-Driver License compliance deadline for states to October 1, 2020. (See federal register announcement attached below.) How does this change the Phase Enforcement schedule and dates on this DHS web page announced in December 2013 at this link? <http://www.dhs.gov/real-id-enforcement-brief>

Thank you in advance for any assistance you can provide.



(b)(6)

Texas Legislative Budget Board  
Federal Funds Analysis Team

(b)(6)

<b>Sender:</b>	(b)(6)	
<b>Recipient:</b>		
<b>Sent Date:</b>	2015/01/06 17:09:47	
<b>Delivered Date:</b>	2015/01/06 17:09:00	



administration of preference in Federal employment. (5 U.S.C. 2108, 2108a)

**§ 211.102 Definitions.**

For the purposes of preference in Federal employment, the following definitions apply:

(a) *Veteran* means a person who has been discharged or released from active duty in the armed forces under honorable conditions, or who has a certification as defined in paragraph (h) of this section, if the active duty service was performed:

- (1) In a war;
- (2) In a campaign or expedition for which a campaign badge has been authorized;
- (3) During the period beginning April 28, 1952, and ending July 1, 1955;
- (4) For more than 180 consecutive days, other than for training, any part of which occurred during the period beginning February 1, 1955, and ending October 14, 1976;
- (5) During the period beginning August 2, 1990, and ending January 2, 1992; or
- (6) For more than 180 consecutive days, other than for training, any part of which occurred during the period beginning September 11, 2001, and ending on August 31, 2010, the last day of Operation Iraqi Freedom.

(b) *Disabled Veteran* means a person who has been discharged or released from active duty in the armed forces under honorable conditions performed at any time, or who has a certification as defined in paragraph (h) of this section, and who has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or a pension because of a statute administered by the Department of Veterans Affairs or a military department.

(c) *Sole survivor veteran* means a person who was discharged or released from a period of active duty after August 29, 2008, by reason of a sole survivorship discharge (as that term is defined in 10 U.S.C. 1174(i)), and who meets the definition of a "veteran" in paragraph (a) of this section, with the exception that he or she is not required to meet any of the length of service requirements prescribed by paragraph (a).

(d) *Preference eligible* means a veteran, disabled veteran, sole survivor veteran, spouse, widow, widower, or mother who meets the definition of "preference eligible" in 5 U.S.C. 2108.

(1) Preference eligibles other than sole survivor veterans are entitled to have 5 or 10 points added to their earned score

on a civil service examination in accordance with 5 U.S.C. 3309.

(2) Under numerical ranking and selection procedures for competitive service hiring, preference eligibles are entered on registers in the order prescribed by section 332.401 of this chapter.

(3) Under excepted service examining procedures in part 302 of this chapter, preference eligibles are listed ahead of persons with the same ratings who are not preference eligibles, or listed ahead of non-preference eligibles if numerical scores have not been assigned.

(4) Under alternative ranking and selection procedures, *i.e.*, category rating, preference eligibles are listed ahead of individuals who are not preference eligibles in accordance with 5 U.S.C. 3319.

(5) Preference eligibles, other than those who have not yet been discharged or released from active duty, are accorded a higher retention standing than non-preference eligibles in the event of a reduction in force in accordance with 5 U.S.C. 3502.

(6) Veterans' preference does not apply, however, to inservice placement actions such as promotions.

(e) *Armed forces* means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.

(f) *Active duty* or *active military duty*:

(1) For veterans defined in paragraphs (a)(1) through (3) and disabled veterans defined in paragraph (b) of this section, means active duty with military pay and allowances in the armed forces, and includes training, determining physical fitness, and service in the Reserves or National Guard; and

(2) For veterans defined in paragraphs (a)(4) through (6) of this section, means full-time duty with military pay and allowances in the armed forces, and does not include training, determining physical fitness, or service in the Reserves or National Guard.

(g) *Discharged or released from active duty* means with either an honorable or general discharge from active duty in the armed forces. The Departments of Defense is responsible for administering and defining military discharges.

(h) *Certification* means any written document from the armed forces that certifies the service member is expected to be discharged or released from active duty service in the armed forces under honorable conditions not later than 120 days after the date the certification is submitted for consideration in the hiring process, at the time and in the manner prescribed by the applicable job opportunity announcement. Prior to appointment, the service member's character of service and qualifying

discharge or release must be verified through a DD form 214 or equivalent documentation.

**§ 211.103 Administration of preference.**

Agencies are responsible for making all preference determinations except for preference based on a common law marriage. Such a claim must be referred to OPM's General Counsel for decision.

[FR Doc. 2014–30295 Filed 12–24–14; 8:45 am]

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**DEPARTMENT OF HOMELAND SECURITY**

**Office of the Secretary**

**6 CFR Part 37**

RIN 1601–AA74

[Docket No. DHS–2006–0030]

**Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes**

**AGENCY:** Office of the Secretary, DHS.

**ACTION:** Final rule.

**SUMMARY:** Pursuant to REAL ID regulations, beginning December 1, 2014, federal agencies may not accept State-issued driver's licenses or identification cards for official purposes from individuals born after December 1, 1964, unless the license or card is REAL ID-compliant and was issued by a compliant State as determined by DHS. Also, beginning December 1, 2017, federal agencies may not accept driver's licenses or identification cards for official purposes from any individual unless the card is REAL ID-compliant and was issued by a compliant State as determined by DHS. This final rule changes both document enrollment dates to October 1, 2020. Nothing in this rule affects the prohibition against federal agencies accepting for official purposes licenses and identification cards issued by noncompliant States, pursuant to the REAL ID Act and in accordance to the phased enforcement schedule.

**DATES:** Effective on December 29, 2014.

**FOR FURTHER INFORMATION CONTACT:** Ted Sobel, Director, Office of State-Issued Identification Support, Screening Coordination Office, Department of Homeland Security, Washington, DC 20528, (202) 282–9570.

**SUPPLEMENTARY INFORMATION:**



## I. Background

The REAL ID Act of 2005<sup>1</sup> (the Act) prohibits federal agencies, effective May 11, 2008, from accepting a state-issued driver's license or identification card for any official purpose unless the license or card is issued by a State that meets the requirements set forth in the Act. Official purpose as defined in the Act includes accessing federal facilities, boarding federally regulated commercial aircraft, entering nuclear power plants, and any other purpose as determined by the Secretary of Homeland Security. *Id.* at § 201(3). Section 205(b) of the Act, however, authorizes the Secretary of Homeland Security to grant extensions of time for States to meet the requirements of the Act if the State provides adequate justification for noncompliance.

On January 29, 2008, DHS promulgated a final rule implementing the requirements of the Act. *See* 73 FR 5272, *also* 6 CFR part 37. The final rule extended the full compliance date from May 11, 2008, to May 11, 2011. *See* 6 CFR 37.51(a). Since promulgation of the final rule, States have made significant progress towards securing their document issuance and productions processes in accordance with the standards set forth in the REAL ID Act. DHS has worked closely with the States to assist with implementation and has provided states with more than \$263 million in grants since fiscal year 2008. Notwithstanding the States' significant progress in meeting the requirements of the Act, many States continued to experience difficulties in satisfying all the requirements, especially in light of diminished budgets during the economic downturn. Because of this, DHS believed that additional time was warranted and, in March 2011, DHS changed the full compliance deadline to January 15, 2013. *See* 76 FR 12269.

In December 2012, DHS began issuing compliance determinations to States submitting certification materials; DHS also announced that DHS would enforce the Act through a phased approach and, in the fall of 2013, released its phased enforcement schedule. Phased enforcement ensures that REAL ID can be implemented in a strategic manner, taking into account the progress made by the States. Phased enforcement also provides DHS with an opportunity to evaluate the effects of enforcement in a measured way that can help inform the development and implementation of

future phases as more States continue to work to come into full compliance. In order to inform the pathway to full enforcement, DHS plans to conduct an evaluation in 2015 to assess the effects of phased enforcement and States' progress in meeting the standards. This approach also can assist federal agencies in applying lessons learned as they consider future access control strategies.

## II. Document Enrollment Periods

The REAL ID regulations include document enrollment dates after which time Federal agencies are prohibited from accepting for official purposes driver's licenses or identification cards from certain individuals, depending on their age, unless those documents are REAL ID-compliant and issued by a fully compliant State. The current regulatory text provides that, beginning December 1, 2014, federal agencies may not, for official federal purposes, accept any driver's licenses or identification cards from individuals born after December 1, 1964, unless such document is a REAL ID-compliant license or card issued by a State determined by DHS to be in full compliance. Furthermore, on or after December 1, 2017, federal agencies may not, for official federal purposes, accept a driver's license or identification card from *any* individual unless such document is a REAL ID-compliant license or card issued by a compliant State. *See* 6 CFR 37.5(b) and (c); 6 CFR 37.27.

With this rule, DHS is changing these document enrollment dates. Without the change, large portions of individuals from REAL ID-compliant jurisdictions would either need to renew their licenses before the end of this year or risk not being able to use them for official federal purposes beginning December 1, 2014. This is because although these individuals may hold licenses from compliant States, those licenses may have been issued prior to State compliance and, therefore, the document itself may not have been issued in accordance with REAL ID standards. Furthermore, the December 1, 2014, and December 1, 2017, document enrollment dates may complicate DHS's enforcement plan and diminish DHS's opportunity to reasonably evaluate the effects of the various enforcement phases.

Additionally, to enforce the December 1, 2014, document enrollment date would require compliant States to significantly accelerate their license issuance processes to accommodate large numbers of residents seeking to renew their licenses by December 2014. Enforcing the date also could result in

these individuals seeking to obtain an alternative acceptable document to establish identity for official federal purposes. Because of these significant operational and cost burdens on both compliant states and their residents, DHS believes there is adequate justification to stay the document enrollment dates.

Thus, the Secretary of Homeland Security, under the authority granted under section 205(b) of the Act, is changing both document enrollment dates to October 1, 2020. Under the REAL ID Act, the maximum validity period for driver's licenses and identification cards may not exceed eight years. The new October 1, 2020 document enrollment date represents nearly a full eight-year enrollment cycle from the January 15, 2013 full compliance date and should give residents of compliant states sufficient time to obtain licenses that satisfy the REAL ID standards, which presumably they will do in accordance with their normal renewal schedule. DHS also is establishing a single document enforcement date, as opposed to a bifurcated approach based on a person's age, to accommodate the phased enforcement schedule and to simplify the implementation process for federal agencies' access control personnel. Nothing in this rule affects the prohibition against federal agencies accepting licenses and identification cards issued by noncompliant States, pursuant to the REAL ID Act and in accordance to the phased enforcement schedule. DHS believes this rule balances the security objective of improving the reliability of identification documents presented for official purposes with the operational and cost burdens on compliant States and their residents.

## III. Regulatory Analyses

### A. Administrative Procedure Act

The Administrative Procedure Act (APA) provides that an agency may dispense with notice and comment rulemaking procedures when an agency, for "good cause," finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." *See* 5 U.S.C. 553(b)(B).

Throughout REAL ID's implementation, DHS has engaged in extensive, ongoing discussions with the States regarding their ability to comply with the REAL ID Act and regulations. Based in part on those communications, DHS believes that phased enforcement offers States the best ability to obtain full compliance with REAL ID. As DHS is currently implementing phased

<sup>1</sup> The Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109–13, 119 Stat. 231, 302 (May 11, 2005) (codified at 49 U.S.C. 30301 note).



enforcement, DHS believes it is contrary to the public interest to retain and enforce the document enrollment dates as REAL ID-compliant States would experience additional burdens by requiring the accelerated issuance of REAL ID-compliant driver's licenses and identification cards. Furthermore, to seek public comment prior to changing the age-based document enrollment dates is impracticable, given that such comments could not be received and acted upon prior to December 1, 2014, when the Federal government would decline to accept all legacy licenses and cards issued before a State became compliant held by individuals born after December 1, 1964.

Based on the above, DHS finds that notice and comment rulemaking in this instance would be impracticable, unnecessary, and contrary to the public interest. For the same reason, DHS finds good cause to make this rule effective immediately upon publication in the **Federal Register**. See 5 U.S.C. 553(d)(3). In addition, because this final rule relieves a restriction, and because compliant States will be able to renew driver's licenses and identification cards in accordance with their normal processes, States will now have more time to ensure that the documents they issue meet the security requirements of the REAL ID Act, there is good cause to make this rule effective immediately upon publication in the **Federal Register**.

#### *B. Executive Order 13563 and Executive Order 12866*

This rule constitutes a "significant regulatory action" under Executive Order 12866, as supplemented by Executive Order 13563, and therefore has been reviewed by the Office of Management and Budget (OMB). Executive Order 12866 defines "significant regulatory action" as one that is likely to result in a rule that may (1) have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights or obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

#### *C. Regulatory Flexibility Act*

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), requires Federal agencies to consider the potential impact of regulations on small businesses, small government jurisdictions, and small organizations during the development of their rules. This final rule, however, makes changes for which notice and comment are not necessary. Accordingly, DHS is not required to prepare a regulatory flexibility analysis. See 5 U.S.C. 603, 604.

#### *D. Paperwork Reduction Act*

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### *E. Executive Order 12132 (Federalism)*

A rule has implications for federalism under Executive Order 13132, "Federalism," if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have these implications for federalism.

#### *F. Unfunded Mandates Reform Act*

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Unfunded Mandates Reform Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of \$100 million (adjusted for inflation) or more in any one year. This final rule will not result in such an expenditure.

#### *G. Executive Order 13175 (Tribal Consultation)*

This rule does not have Tribal Implications under Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

#### *H. Executive Order 13211 (Energy Impact Analysis)*

DHS has analyzed this rule under Executive Order 13211, "Actions Concerning Regulations that Significantly Affect Energy Supply

Distribution, or Use." DHS has determined that it is not a "significant energy action" under that Order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### **List of Subjects in 6 CFR Part 37**

Document security, Driver's licenses, Identification cards, Incorporation by reference, Motor vehicle administrations, Physical security.

#### **The Amendments**

For the reasons set forth above, the Department of Homeland Security amends 6 CFR part 37 as follows:

#### **PART 37—REAL ID DRIVER'S LICENSES AND IDENTIFICATION CARDS**

- 1. The authority citation for part 37 continues to read as follows:

**Authority:** 49 U.S.C. 30301 note; 6 U.S.C. 111, 112.

- 2. In § 37.5, remove paragraph (b), redesignate paragraph (c) as paragraph (b), redesignate paragraph (d) as paragraph (c), and revise redesignated paragraph (b) to read as follows:

#### **§ 37.5 Validity periods and deadlines for REAL ID driver's licenses and identification cards.**

\* \* \* \* \*

(b) On or after October 1, 2020, Federal agencies shall not accept a driver's license or identification card for official purposes from any individual unless such license or card is a REAL ID-compliant driver's license or identification card issued by a State that has been determined by DHS to be in full compliance as defined under this subpart.

\* \* \* \* \*

#### **§ 37.27 [Amended]**

- 3. In § 37.27, remove the last two sentences.

**Jeh Charles Johnson,**  
Secretary.

[FR Doc. 2014–30082 Filed 12–24–14; 8:45 am]

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